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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

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WRIT PETITION NO : 13176 of 2004

Between:

1.Mohammad Illyas S/o H.M. Abdul Khader, aged 42 years,
Occ:Business, R/o H.No.16-5-78/4, Farhathnagar,

Dabeerpura, Hyderabad.
2.Mohammed Ghasuddin S/o Mohd. Shareefuddin, aged 32 years,
Occu: Business, R/o.H.No. 17-6-546, Dabeerpura, Hyderabad.
3.Mohammed Qutubuddin S/o Mohd. Shareefuddin, aged 28

years, Occu:Business, R/o.H.No.17-6-546, Dabeerpura,

Hyderabad.

..... PETITIONERS

AND

1.The Chairman, A.P. Co-op. Tribunal, Chandravihar, Hyderabad.
2.The Charminar Co-operative Urban Bank, rep. by its

Managing Director, Purani Haveli, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to

issue a Writ or order more particularly writ of Certiorary by quashing the order dated 18.06.2004 passed in I.A. No. 1009/2003 in C.T.A. No.295/2003 on the file of the 1st Respondent and call for the records relating the said proceedings.

Counsel for the Petitioners: MR.SHIV SHANKAR CHOUDARY.

Counsel for the Respondent No.1: GP FOR COOPERATION

Counsel for the Respondent No.2: Mr.K.S.Murthy.

The Court at the stage of admission made the following :

THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

WRIT PETITION No.13176 OF 2004

ORDER:

The petitioners borrowed certain amounts from the second respondent and committed default in payment of the same. The Joint Registrar of Co-operative Societies passed an award, directing the petitioners to pay Rs.1,95,335/-. Subsequently a sale certificate dated 26.06.2003 was issued in pursuance of the said award during the pendency of the main case. On 14.05.2004 the first respondent passed an order in I.A.No.1004 of 2003, directing the petitioners to pay Rs.50,000/- by 18.05.2004 and the balance amount of Rs.1,45,335/- by 18.06.2004. It was also directed that if the petitioners fail to pay Rs.50,000/- by 18.05.2004, the second respondent is at liberty to proceed with the sale on 19.05.2004. The petitioners contend that they paid Rs.50,000/- on 18.05.2004 to the second respondent and the auction proceedings were postponed. The petitioners further contend that as per the Order, they could not arrange payment of the balance amount by 18.06.2004. Therefore, they requested the first respondent to extend the time for three months for payment of the balance amount to enable them to pay the said amount in instalments, but the first respondent did not consider the request of the petitioners and did not receive their application for extension of time, instead, the first respondent passed the following Order:

"The Order dated 14.05.2004 is a final conditional order. No further order is

required. Hence, petition is closed"

The petitioners being aggrieved by the said Order refusing to extend the time for payment of balance amount approached this Court to set aside the said Order.

The learned counsel appearing for the petitioners requested that the petitioners might be granted two months time to pay the balance amount in two instalments.

The learned counsel appearing for the respondents is also heard.

In view of the circumstances explained by the petitioners, they are granted two months time for payment of the entire balance amount. They shall pay half of the balance amount on or before 23.08.2004 and remaining half amount on or before 30.09.2004. If they fail to comply the said direction, the second respondent is at liberty to bring the property of the petitioners for sale and take further steps according to Law.

The Writ Petition is accordingly disposed of at the stage of admission. No order as to costs.

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(DR.G.YETHIRAJULU,J)

Date: 29th July, 2004.

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To

1.The Chairman, A.P.Co-op.Tribunal, Chandravihar, Hyderabad.

2.The Managing Director, The Chairminar Co-operative Urban

Bank, Purani Haveli, Hyderabad.

3.Two CCs to the Government Pleader for Co-operation, High

Court Buildings, Hyderabad. (O.U.T.)

4. Two C.D. copies.